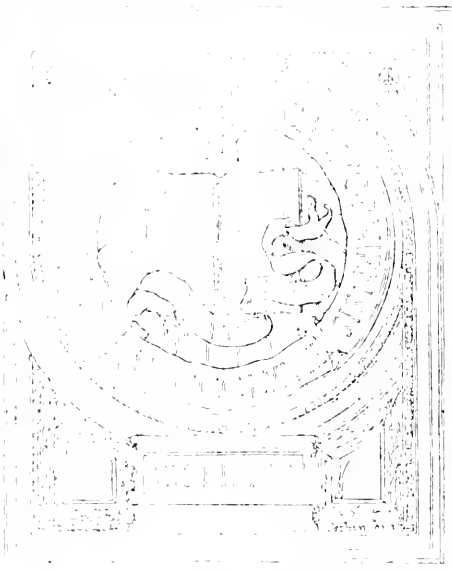


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Constitution adopted by Arizona

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## CONSTITUTION ADOPTED BY ARIZONA.

### LETTER

FROM

## THE SECRETARY OF THE INTERIOR,

TRANSMITTING

COPY OF THE CONSTITUTION ADOPTED BY THE CONSTITUTIONAL  
CONVENTION OF ARIZONA.

JANUARY 31, 1911.—Referred to the Committee on Territories and ordered to be  
printed.

DEPARTMENT OF THE INTERIOR,  
*Washington, January 30, 1911.*

There is inclosed a copy of the constitution adopted by the constitutional convention of Arizona which the secretary of the Territory has asked this department to distribute to the Members of the Senate and House of Representatives in compliance with the resolution of the constitutional convention.

Very respectfully,

R. A. BALLINGER,  
*Secretary.*

To the MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

### THE PROPOSED CONSTITUTION FOR THE STATE OF ARIZONA.

[Adopted by the Constitutional Convention, held at Phoenix, Ariz., from Oct. 10 to Dec. 9, 1910.]

#### PREAMBLE.

We, the people of the State of Arizona, grateful to Almighty God for our liberties, do ordain this constitution.

## ARTICLE I.

## STATE BOUNDARIES.

The boundaries of the State of Arizona shall be as follows, namely: Beginning at a point on the Colorado River twenty English miles below the junction of the Gila and Colorado Rivers, as fixed by the Gadsden Treaty between the United States and Mexico, being in latitude thirty-two degrees, twenty-nine minutes, forty-four and forty-five one-hundredths seconds north, and longitude one hundred and fourteen degrees, forty-eight minutes, forty-four and fifty-three one hundredths seconds west of Greenwich; thence along and with the international boundary line between the United States and Mexico in a southeastern direction to Monument Number 127 on said boundary line, in latitude thirty-one degrees, twenty minutes north; thence east along and with said parallel of latitude, continuing on said boundary line to an intersection with the meridian of longitude one hundred nine degrees, two minutes, fifty-nine and twenty-five one-hundredths seconds west, being identical with the southwestern corner of New Mexico; thence north along and with said meridian of longitude and the west boundary of New Mexico to an intersection with the parallel of latitude thirty-seven degrees north, being the common corner of Colorado, Utah, Arizona, and New Mexico; thence west along and with said parallel of latitude and the south boundary of Utah to an intersection with the meridian of longitude one hundred fourteen degrees, two minutes, fifty-nine and twenty-five one-hundredths seconds west, being on the east boundary line of the State of Nevada; thence south along and with said meridian of longitude and the east boundary of said State of Nevada, to the center of the Colorado River; thence down the mid-channel of said Colorado River in a southern direction along and with the east boundaries of Nevada, California, and the Mexican Territory of Lower California, successively, to the place of beginning.

## ARTICLE II.

## DECLARATION OF RIGHTS.

SEC. 1. A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.

SEC. 2. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

SEC. 3. The Constitution of the United States is the supreme law of the land.

SEC. 4. No person shall be deprived of life, liberty, or property without due process of law.

SEC. 5. The right of petition and of the people peaceably to assemble for the common good shall never be abridged.

SEC. 6. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

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SEC. 7. The mode of administering an oath or affirmation shall be such as shall be most consistent with and binding upon the conscience of the person to whom such oath or affirmation may be administered.

SEC. 8. No person shall be disturbed in his private affairs or his home invaded without authority of law.

SEC. 9. No law granting irrevocably, any privilege, franchise, or immunity shall be enacted.

SEC. 10. No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.

SEC. 11. Justice in all cases shall be administered openly and without unnecessary delay.

SEC. 12. The liberty of conscience secured by the provisions of this constitution shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the State. No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or to the support of any religious establishment. No religious qualification shall be required for any public office or employment; nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion; nor be questioned touching his religious belief in any court of justice to affect the weight of his testimony.

SEC. 13. No law shall be enacted granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

SEC. 14. The privilege of the writ of habeas corpus shall not be suspended by the authorities of the State.

SEC. 15. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

SEC. 16. No conviction shall work corruption of blood or forfeiture of estate.

SEC. 17. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for mining, agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question and determined as such without regard to any legislative assertion that the use is public.

SEC. 18. There shall be no imprisonment for debt, except in cases of fraud.

SEC. 19. Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation charged with bribery or illegal rebating shall not be excused from giving

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testimony or producing evidence when legally called upon to do so on the ground that it may tend to incriminate him under the laws of the State, but no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may so testify or produce evidence.

SEC. 20. The military shall be in strict subordination to the civil power.

SEC. 21. All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 22. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

SEC. 23. The right of trial by jury shall remain inviolate, but provision may be made by law for a jury of a number of less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of a jury in civil cases where the consent of the parties interested is given thereto.

SEC. 24. In criminal prosecutions, the accused shall have the right to appear and defend in person, and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

SEC. 25. No bill of attainder, ex-post-facto law, or law impairing the obligation of a contract, shall ever be enacted.

SEC. 26. The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men.

SEC. 27. No standing army shall be kept up by this State in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner; nor in time of war except in the manner prescribed by law.

SEC. 28. Treason against the State shall consist only in levying war against the State or adhering to its enemies or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or confession in open court.

SEC. 29. No hereditary emoluments, privileges, or powers shall be granted or conferred and no law shall be enacted permitting any perpetuity or entailment in this State.

SEC. 30. No person shall be prosecuted criminally in any court of record for felony or misdemeanor otherwise than by information or indictment; no person shall be prosecuted for felony by information without having had a preliminary examination before a magistrate or having waived such preliminary examination.

SEC. 31. No law shall be enacted in this State limiting the amount of damages to be recovered for causing the death or injury of any person.

SEC. 32. The provisions of this constitution are mandatory unless by express words they are declared to be otherwise.

SEC. 33. The enumeration in this constitution of certain rights shall not be construed to deny others retained by the people.

### ARTICLE III.

#### DISTRIBUTION OF POWERS.

The powers of the government of the State of Arizona shall be divided into three separate departments, the legislative, the executive, and the judicial; and, except as provided in this constitution, such departments shall be separate and distinct, and no one of such departments shall exercise the powers properly belonging to either of the others.

### ARTICLE IV.

#### LEGISLATIVE DEPARTMENT.

##### *1. Initiative and referendum.*

SEC. 1. (1) The legislative authority of the State shall be vested in a legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature.

(2) The first of these reserved powers is the initiative. Under this power ten per centum of the qualified electors shall have the right to propose any measure, and fifteen per centum shall have the right to propose any amendment to the constitution.

(3) The second of these reserved powers is the referendum. Under this power the legislature, or five per centum of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the State government and State institutions; but to allow opportunity for referendum petitions, no act passed by the legislature shall be operative for ninety days after the close of the session of the legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the departments of State and of State institutions; provided, that no such emergency measure shall be considered passed by the legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative, and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the legislature, taken by roll call of ayes and nays, and also approved by the governor; and should such measure be vetoed by the governor, it shall not become a law unless it shall be approved by the votes of three-fourths of the members elected to each house of the legislature, taken by roll call of ayes and nays.

(4) All petitions submitted under the power of the initiative shall be known as initiative petitions, and shall be filed with the secretary of State not less than four months preceding the date of the election at which the measures so proposed are to be voted upon. All petitions submitted under the power of the referendum shall be known as referendum petitions, and shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislature which shall have passed the measure to which the referendum is applied. The filing of a referendum petition against any item, section, or part of any measure shall not prevent the remainder of such measure from becoming operative.

(5) Any measure of amendment to the constitution proposed under the initiative, and any measure to which the referendum is applied, shall be referred to a vote of the qualified electors, and shall become law when approved by a majority of the votes cast thereon and upon proclamation of the governor, and not otherwise.

(6) The veto power of the governor shall not extend to initiative or referendum measures approved by a majority of the qualified electors.

(7) The whole number of votes cast for all candidates for governor at the general election last preceding the filing of any initiative or referendum petition on a State or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed.

(8) The powers of the initiative and the referendum are hereby further reserved to the qualified electors of every incorporated city, town, and county as to all local, city, town, or county matters on which such incorporated cities, towns, and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns, and counties may prescribe the manner of exercising said power within the restrictions of general laws. Under the power of the initiative fifteen per centum of the qualified electors may propose measures on such local, city, town, or county matters, and ten per centum of the electors may propose the referendum on legislation enacted within and by such city, town, or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.

(9) Every initiative or referendum petition shall be addressed to the secretary of state in the case of petitions for or on State measures, and to the clerk of the board of supervisors, city clerk, or corresponding officer in the case of petitions for or on county, city, or town measures; and shall contain the declaration of each petitioner, for himself, that he is a qualified elector of the State (and in the case of petitions for or on city, town, or county measures, of the city, town, or county affected), his post-office address, the street and number, if any, of his residence, and the date on which he signed such petition. Each sheet containing petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed to be initiated or referred to the people, and every sheet of every such petition containing signatures shall be verified by the affidavit of the person who circulated said sheet or petition, setting forth that each of the names on said sheet was signed in the presence of the affiant, and that in the belief of the affiant each signer was a

qualified elector of the State, or in the case of a city, town, or county measure, of the city, town, or county affected by the measure so proposed to be initiated or referred to the people.

(10) When any initiative or referendum petition or any measure referred to the people by the legislature shall be filed, in accordance with this section, with the secretary of state, he shall cause to be printed on the official ballot of the next regular general election the title and number of said measure, together with the words "Yes" and "No" in such manner that the electors may express at the polls their approval or disapproval of the measure.

(11) The text of all measures to be submitted shall be published as proposed amendments to the constitution are published, and in submitting such measures and proposed amendments the secretary of state and all other officers shall be guided by the general law until legislation shall be especially provided therefor.

(12) If two or more conflicting measures or amendments to the constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is conflict.

(13) It shall be the duty of the secretary of state, in the presence of the governor and the chief justice of the supreme court, to canvass the votes for and against each such measure or proposed amendment to the constitution within thirty days after the election, and upon the completion of the canvass the governor shall forthwith issue a proclamation, giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those voting thereon to be law.

(14) This section shall not be construed to deprive the legislature of the right to enact any measure.

(15) This section of the constitution shall be, in all respects, self-executing.

SEC. 2. The legislature shall provide a penalty for any wilfull violation of any of the provisions of the preceding section.

## *2. The legislature.*

SEC. 1. Until otherwise provided by law, the senate shall consist of 19 members, and the house of representatives of 35 members, and senators and representatives shall be apportioned among the several counties as follows:

Apache County, 1 senator, 1 representative; Cochise County, 2 senators, 7 representatives; Coconino County, 1 senator, 1 representative; Gila County, 2 senators, 3 representatives; Graham County, 1 senator, 2 representatives; Greenlee county, 1 senator, 2 representatives; Maricopa County, 2 senators, 6 representatives; Mohave County, 1 senator, 1 representative; Navajo County, 1 senator, 1 representative; Pima County, 2 senators, 3 representatives; Pinal County, 1 senator, 1 representative; Santa Cruz County, 1 senator, 1 representative; Yavapai County, 2 senators, 4 representatives; Yuma County, 1 senator, 2 representatives.

SEC. 2. No person shall be a member of the legislature unless he shall be a citizen of the United States at the time of his election, nor unless he shall be at least twenty-five years of age, and shall have

been a resident of Arizona at least three years and of the county from which he is elected at least one year before his election.

SEC. 3. The sessions of the legislature shall be held biennially at the capitol of the State, and except as to the first session thereof, shall commence on the second Monday of January next after the election of members of the legislature. The first session shall convene not less than thirty nor more than sixty days after the admission of the State into the Union. The governor may call a special session whenever in his judgment it is advisable. In calling such special session, the governor shall specify the subjects to be considered at such session, and at such session no laws shall be enacted except such as relate to the subjects mentioned in such call.

SEC. 4. No person holding any public office of profit or trust under the authority of the United States, or of this State, shall be a member of the legislature: Provided, That appointments in the State militia and the offices of notary public, justice of the peace, United States commissioner, and postmaster of the fourth class, shall not work disqualification for membership within the meaning of this section.

SEC. 5. No member of the legislature, during the term for which he shall have been elected, shall be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during said term.

SEC. 6. Members of the legislature shall be privileged from arrest in all cases except treason, felony, and breach of the peace, and they shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement of each session.

SEC. 7. No member of the legislature shall be liable in any civil or criminal prosecution for words spoken in debate.

SEC. 8. Each house, when assembled, shall choose its own officers, judge of the election and qualification of its own members, and determine its own rules of procedure.

SEC. 9. The majority of the members of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may prescribe. Neither House shall adjourn for more than three days, nor to any place other than that in which it may be sitting, without the consent of the other.

SEC. 10. Each house shall keep a journal of its proceedings, and at the request of two members the ayes and nays on roll call on any question shall be entered.

SEC. 11. Each house may punish its members for disorderly behavior, and may, with the concurrence of two-thirds of its members, expel any member.

SEC. 12. Every bill shall be read by sections on three different days, unless in case of emergency, two-thirds of either house deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the final passage of any bill or joint resolution shall be taken by ayes and nays on roll call. Every measure when finally passed shall be presented to the governor for his approval or disapproval.

SEC. 13. Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.

SEC. 14. No act or section thereof shall be revised or amended by mere reference to the title of such act, but the act or section as amended shall be set forth and published at full length.

SEC. 15. A majority of all members elected to each house shall be necessary to pass any bill, and all bills so passed shall be signed by the presiding officer of each house in open session.

SEC. 16. Any member of the legislature shall have the right to protest and have the reasons of his protest entered on the journal.

SEC. 17. The legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

SEC. 18. The legislature shall direct by law in what manner and in what courts suits may be brought against the State.

SEC. 19. No local or special laws shall be enacted in any of the following cases, that is to say:

1. Granting divorces.
2. Locating or changing county seats.
3. Changing rules of evidence.
4. Changing the law of descent or succession.
5. Regulating the practice of courts of justice.
6. Limitation of civil actions or giving effect to informal or invalid deeds.
7. Punishment of crimes and misdemeanors.
8. Laying out, opening, altering, or vacating roads, plats, streets, alleys, and public squares.
9. Assessment and collection of taxes.
10. Regulating the rate of interest on money.
11. The conduct of elections.
12. Affecting the estates of deceased persons or of minors.
13. Granting to any corporation, association, or individual any special or exclusive privileges, immunities, or franchises.
14. Remitting fines, penalties, and forfeitures.
15. Changing names of persons or places.
16. Regulating the jurisdiction and duties of justices of the peace.
17. Incorporation of cities, towns, or villages, or amending their charters.
18. Relinquishing any indebtedness, liability, or obligation to this State.
19. Summoning and empanelling of juries.
20. When a general law can be made applicable.

SEC. 20. The general appropriation bill shall embrace nothing but appropriations for the different departments of the State, for State institutions, for public schools, and for interest on the public debt. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 21. The members of the first legislature shall hold office until the first Monday in January, 1913. The terms of office of the members of succeeding legislatures shall be two years.

SEC. 22. Until otherwise provided by law members of the legislature shall receive seven dollars per day: *Provided, however,* That they shall receive such salary for a period not to exceed sixty days in any one session. They shall also receive mileage one way, by the shortest practicable route, at the rate of twenty cents per mile.

SEC. 23. It shall not be lawful for any person holding public office in this State to accept or use a pass, or to purchase transportation from any railroad or other corporation other than as such transportation may be purchased by the general public: *Provided,* That this shall not apply to members of the National Guard of Arizona traveling under orders. The legislature shall enact laws to enforce this provision.

SEC. 24. The enacting clause of every bill enacted by the legislature shall be as follows: "Be it enacted by the Legislature of the State of Arizona," or, when the initiative is used, "Be it enacted by the people of the State of Arizona."

## ARTICLE V.

### EXECUTIVE DEPARTMENT.

SEC. 1. The executive department of the State shall consist of governor, secretary of state, state auditor, state treasurer, attorney general, and superintendent of public instruction, each of whom shall hold his office for two years beginning on the first Monday of January next after his election, except that the terms of office of those elected at the election provided for in the enabling act approved June 20, 1910, shall begin when the State shall be admitted into the Union, and shall end on the first Monday in January, A. D. 1913, or when their successors are elected and qualify.

The persons, respectively, having the highest number of votes cast for the office voted for shall be elected; but if two or more persons shall have an equal and the highest number of votes for any one of said offices, the two houses of the legislature, at its next regular session, shall elect forthwith, by joint ballot, one of such persons for said office.

The officers of the executive department during their terms of office shall reside at the seat of government, where they shall keep their offices and the public records, books, and papers. They shall perform such duties as are prescribed by this constitution and as may be provided by law.

SEC. 2. No person shall be eligible to any of the offices mentioned in section 1 of this article except a male person of the age of not less than twenty-five years, who shall have been for ten years next preceding his election a citizen of the United States and for five years next preceding his election a citizen of Arizona.

SEC. 3. The governor shall be commander in chief of the military forces of the State, except when such forces shall be called into the service of the United States.

SEC. 4. The governor shall transact all executive business with the officers of the government, civil and military, and may require

information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices. He shall take care that the laws be faithfully executed. He may convene the legislature in extraordinary session. He shall communicate by message to the legislature at every session the condition of the State and recommend such matters as he shall deem expedient.

SEC. 5. The governor shall have power to grant reprieves, commutation, and pardons, after convictions, for all offenses except treason and cases of impeachment upon such conditions and with such restrictions and limitations as may be provided by law.

SEC. 6. In case of the impeachment of the governor, or his removal from office, death, inability to discharge the duties of his office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the secretary of state until the disability ceases, or during the remainder of the term.

SEC. 7. Every bill passed by the legislature, before it becomes a law, shall be presented to the governor. If he approve, he shall sign it, and it shall become a law as provided in this constitution. But if he disapprove, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large on the journal. If after reconsideration it again passes both houses by an aye and nay vote on roll call of two-thirds of the members elected to each house, it shall become a law as provided in this constitution, notwithstanding the governor's objections. This section shall not apply to emergency measures as referred to in section 1 of the article on the legislative department.

If any bill be not returned within five days after it shall have been presented to the governor (Sunday excepted) such bill shall become a law in like manner as if he had signed it, unless the legislature by its final adjournment prevents its return, in which case it shall be filed, with his objections, in the office of the secretary of state within ten days after such adjournment (Sundays excepted) or become a law as provided in this constitution. After the final action by the governor, or following the adoption of a bill notwithstanding his objection, it shall be filed with the secretary of state.

If any bill presented to the governor contains several items of appropriations of money, he may object to one or more of such items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the item or items which he declines to approve, together with his reasons therefor, and such item or items shall not take effect unless passed over the governor's objections as in this section provided.

The veto power of the governor shall not extend to any bill passed by the legislature and referred to the people for adoption or rejection.

SEC. 8. When any office shall, from any cause, become vacant, and no mode shall be provided by the constitution or by law, for filling such vacancy, the governor shall have the power to fill such vacancy by appointment.

SEC. 9. The powers and duties of secretary of state, State treasurer, State auditor, attorney general, and superintendent of public instruction shall be as prescribed by law.

SEC. 10. No person shall be eligible to succeed himself to the office of State treasurer for the succeeding two years after the expiration of the term for which he shall have been elected.

SEC. 11. The returns of the election for all State officers shall be canvassed, and certificates of election issued by the secretary of state, in such manner as may be provided by law.

SEC. 12. All commissions shall issue in the name of the State, and shall be signed by the governor, sealed with the seal of the State, and attested by the secretary of state.

SEC. 13. Until otherwise provided by law, the salaries of the State officers shall be as follows:

Governor, four thousand dollars per annum.

Secretary of state, three thousand five hundred dollars per annum.

State auditor, three thousand dollars per annum.

State treasurer, three thousand dollars per annum.

Attorney general, twenty-five hundred dollars per annum.

Superintendent of public instruction, twenty-five hundred dollars per annum.

## ARTICLE VI.

### JUDICIAL DEPARTMENT.

SEC. 1. The judicial power of the State shall be vested in a supreme court, superior courts, justices of the peace, and such courts inferior to the superior courts as may be provided by law.

SEC. 2. The supreme court shall consist of three judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said court shall always be open for the transaction of business, except on nonjudicial days. In the determination of causes, all decisions of the court shall be given in writing, and the grounds of the decisions shall be stated. The number of judges may be increased or diminished from time to time by law; provided, that said court shall at all times be constituted of at least three judges.

SEC. 3. Judges of the supreme court shall be elected at the general election to be held under the provisions of the enabling act approved June 20, 1910. Their term of office shall be coterminous with that of the governor of the State elected at the same time, and the one receiving the highest number of votes shall be the chief justice. At the first general State election thereafter, held under this constitution, at which a governor is voted for, three judges of the supreme court shall be elected, and the judges elected thereat shall be classified by lot, so that one shall hold office for a term of six years, one for a term of four years, and one for a term of two years, from and after the first Monday in January next succeeding said election. The lot shall be drawn by the judges elect, who shall assemble for that purpose at the State capitol, and shall cause the results to be certified to the secretary of state, who shall file the same in his office.

The judge having the shortest time to serve, and not holding his office by appointment or by election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the supreme court. In case of absence of the chief justice, the judge having in like manner the shortest time to serve shall preside.

After the first State election one judge shall be elected every two years at the general election, and the term of the judge elected shall be six years from and after the first Monday in January next suc-

ceeding his election, and judges so elected shall hold office until their successors are elected and qualify.

If a vacancy occur in the office of judge of the supreme court, the governor shall appoint a person to fill such vacancy until the election and qualification of a judge to hold said office, which election shall take place at the next succeeding general election, and the person so elected shall hold office for the remainder of the unexpired term.

Whenever for any reason any judge shall be disqualified from acting in any cause brought before said court, the remaining judges of said court shall call one of the judges of the superior court to sit with them on the hearing of said cause.

The sessions of the supreme court shall be held at the seat of government.

The judges of the supreme court shall be elected at the general State election by the qualified electors of the State at large. The names of all candidates for the office of judge of the supreme court shall be placed on the regular ballot in alphabetical order without partisan or other designation except the title of the office.

SEC. 4. The supreme court shall have original jurisdiction in habeas corpus and quo warranto and mandamus as to all State officers. It shall have appellate jurisdiction in all actions and proceedings, but its appellate jurisdiction shall not extend to civil actions at law for recovery of money or personal property where the original amount in controversy or the value of the property does not exceed the sum of two hundred dollars, unless the action involves the validity of a tax, impost, assessment, toll, municipal fine, or statute.

The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction.

The supreme court shall have original and exclusive jurisdiction to hear and determine all causes between counties concerning disputed boundaries and surveys thereof, or concerning claims of one county against another. Such trials shall be to the court without a jury.

Each judge of the supreme court shall have power to issue writs of habeas corpus to any part of the State upon petition by, or on behalf of, any person held in actual custody, and may make such writs returnable before himself, or before the supreme court, or before any superior court of the State or any judge thereof.

SEC. 5. There shall be in each of the organized counties of the State a superior court, for which at least one judge shall be elected by the qualified electors of the county at the general election; Provided, that for each county having a census enumeration greater than thirty thousand inhabitants, one judge of the superior court for every additional thirty thousand inhabitants, or majority fraction thereof, may be provided by law. In any county where there shall be more than one judge of the superior court, there may be as many sessions of the superior court at the same time as there are judges thereof, and the business of the court shall be so distributed and assigned by law, or in the absence of legislation therefor, by such rules and orders of the court as shall best promote and secure the convenient and expeditious transaction thereof.

The judgments, decrees, orders, and proceedings of any session of the superior court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court had presided at such session.

The first judges of the superior court shall be elected at the general election to be held under the provisions of the enabling act approved June 20, 1910. Their term of office shall be coterminous with that of the governor of the State elected at the same time. Thereafter the term of office of all judges of the superior court shall be four years, from and after the first Monday in January next succeeding their election and until their successors are elected and qualify.

All judges of the superior court shall be elected at the general State election by the qualified electors of their respective counties. The names of all candidates for the office of judge of the superior court shall be placed on the regular ballot in alphabetical order, without any partisan or other designation except the title of the office. If a vacancy occur in the office of judge of the superior court, the governor shall appoint a person to fill the vacancy until the election and qualification of a judge to hold said office, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

SEC. 6. The superior court shall have original jurisdiction in all cases of equity and in all cases at law which involve the title to, or the possession of, real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, or the value of the property in controversy, amounts to two hundred dollars, exclusive of interest and costs, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law, of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate nuisance, of all matters of probate, of divorce and for annulment of marriage, and for such special cases and proceedings as are not otherwise provided for.

The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. Said court shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. The process of said court shall extend to all parts of the State.

The superior court shall have exclusive original jurisdiction in all proceedings and matters affecting dependent, neglected, incorrigible, or delinquent children, or children accused of crime, under the age of eighteen years. The judges of said courts must hold examinations in chambers of all such children concerning whom proceedings are brought, in advance of any criminal prosecution of such children, and shall have the power, in their discretion, to suspend criminal prosecution for any offenses that may have been committed by such children. The powers of said judges to control such children shall be as prescribed by law.

The superior court shall at all times, except on non-judicial days, be open for the determination of non-jury civil causes and for the

transaction of business. For the determination of civil causes and matters in which a jury demand has been entered, and for the trial of criminal causes, a trial jury shall be drawn and summoned from the body of the county at least three times a year.

Superior courts and their judges shall have the power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective counties. Injunctions, attachments, and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days. Grand juries shall be drawn and summoned only by order of the superior court.

SEC. 7. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and in case of the disqualification or the inability of the judge thereof to serve, and upon the request of the governor, shall do so.

SEC. 8. Any judicial officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office; provided, that in case of extreme necessity the governor may extend the leave of absence such time as the necessity therefor shall exist.

SEC. 9. The number of justices of the peace to be elected in incorporated cities and towns, and in precincts, and the powers, duties, and jurisdiction of justices of the peace, shall be provided by law; provided, that such jurisdiction granted shall not trench upon the jurisdiction of any court of record, except that said justices shall have concurrent jurisdiction with the superior court in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month and where the whole amount of damage claimed does not exceed two hundred dollars; and provided that justices of the peace may be made police justices of incorporated cities and towns. Prosecution may be instituted in courts other than courts of record upon sworn complaint.

SEC. 10. The supreme court and superior courts shall be courts of record. Other courts of record may be established by law, but courts of justices of the peace shall not be courts of record.

The salaries of the judges of the supreme court shall be paid by the State. One-half of the salary of each of the judges of the superior court shall be paid by the State, and the other one-half by the county for which he is elected. Until otherwise provided by law, each of the judges of the supreme court shall receive an annual salary of five thousand dollars. Until otherwise provided by law, the judges of the superior courts in and for the counties of Maricopa, Pima, Yavapai, Gila, and Cochise shall each receive four thousand dollars per annum; the judge of the superior court in and for the county of Greenlee shall receive three thousand five hundred dollars per annum; and the judges of the superior courts in and for the counties of Coconino, Apache, Navajo, Santa Cruz, Yuma, Pinal, Graham, and Mohave shall each receive three thousand dollars per annum.

SEC. 11. Judges of the supreme court and judges of the superior courts shall not be eligible to any office or public employment other than a judicial office of employment, during the term for which they shall have been elected.

SEC. 12. Judges shall not charge juries with respect to matters of fact nor comment thereon, but shall declare the law.

No judge of a court of record shall practice law in any court in this State during his continuance in office.

SEC. 13. No person shall be eligible for the office of judge of the supreme court unless he shall be learned in the law, at least thirty years of age, and shall have been a judge of, or admitted to practice before, the highest court of Arizona for at least five years and shall have been a resident of Arizona for five years next preceding his election.

No person shall be eligible for the office of judge of the superior court unless he shall be learned in the law, at least twenty-five years of age, and shall have been admitted to practice before the highest court of Arizona for at least two years and shall have been a resident of Arizona for two years next preceding his election.

SEC. 14. The judges of the supreme court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as may be prescribed by law; and the supreme court shall have the power to fix said salary until such salary shall be determined by law.

SEC. 15. Every case submitted to the judge of a superior court for his decision shall be decided within sixty days from the submission thereof; Provided, that if within said period of sixty days a rehearing shall have been ordered the period within which he must decide shall commence at the time the case is submitted on such rehearing.

SEC. 16. Provisions for the speedy publication of the opinions of the supreme court shall be made by law, and all opinions shall be free for publication by any person.

SEC. 17. The judges of the supreme court shall appoint a clerk of that court, who shall be removable at their pleasure and shall receive such compensation, by salary only, as may be provided by law; and the supreme court shall have power to fix said salary until such salary shall be determined by law.

SEC. 18. There shall be elected in each county, by the qualified electors thereof, at the time of the election of judges of the superior court thereof, a clerk of the superior court, for a term of four years, who shall have such powers and perform such duties and receive such compensation, by salary only, as shall be provided by law. Until such salary shall be fixed by law the board of supervisors shall fix such salary. The term of the first clerk elected shall be coterminous with that of the judge of said county.

SEC. 19. The judges of superior courts may appoint such court commissioners in their respective counties as may be deemed necessary, who shall have such powers and perform such duties and receive such compensation as may be provided by law.

SEC. 20. The style of all process shall be "The State of Arizona," and all prosecutions shall be conducted in the name of the State of Arizona and by its authority.

SEC. 21. Every judge of the supreme court and every judge of the superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the constitution of the State of Arizona, and will faithfully and impartially discharge the duties of judge to the best

of his ability, which oath shall be filed in the office of the secretary of State.

SEC. 22. The pleadings and proceedings in criminal causes in the courts shall be as provided by law. No cause shall be reversed for technical error in pleading or proceedings when upon the whole case it shall appear that substantial justice has been done.

SEC. 23. All laws relating to the authority, jurisdiction, practice, and procedure of district and probate courts under laws heretofore enacted by the Legislative Assembly of the Territory of Arizona and in force at the time of the admission of the State into the Union, and not inconsistent with this constitution, shall, so far as applicable, apply to and govern superior courts until altered or repealed. Until otherwise provided, superior courts shall have the same appellate jurisdiction in cases arising in courts of justices of the peace as district courts now have under said laws.

SEC. 24. No change made by the legislature in the number of judges shall work the removal of any judge from office, and no judge's salary shall be reduced during the term of office for which he was elected.

## ARTICLE VII.

### SUFFRAGE AND ELECTIONS.

SEC. 1. All elections by the people shall be by ballot or by such other method as may be prescribed by law: Provided, that secrecy in voting shall be preserved.

SEC. 2. No person shall be entitled to vote at any general election or for any office that now is, or hereafter may be, elective by the people or upon any question which may be submitted to a vote of the people, except school elections as provided in section 8 of this article, unless such person be a male citizen of the United States of the age of twenty-one years or over and shall have resided in the State one year immediately preceding such election.

No person under guardianship, non compos mentis, or insane shall be qualified to vote at any election, nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

SEC. 3. For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or while a student at any institution of learning, or while kept at any almshouse or other asylum at public expense, or while confined in any public jail or prison.

SEC. 4. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at any election, and in going thereto and returning therefrom.

SEC. 5. No elector shall be obliged to perform military duty on the day of an election except in time of war or public danger.

SEC. 6. No soldier, seaman, or marine in the Army or Navy of the United States shall be deemed a resident of this State in consequence of his being stationed at any military or naval place within this State.

SEC. 7. In all elections held by the people in this State the person or persons receiving the highest number of legal votes shall be declared elected.

SEC. 8. Qualifications for voters at school elections shall be as are now, or as may hereafter be, provided by law.

SEC. 9. For the purpose of obtaining an advisory vote of the people, the legislature shall provide for placing the names of candidates for United States Senator on the official ballot at the general election next preceding the election of a United States Senator.

SEC. 10. The legislature shall enact a direct primary election law, which shall provide for the nomination of candidates for all elective, State, county, and city offices, including candidates for United States Senator and for Representative in Congress.

SEC. 11. There shall be a general election of Representatives in Congress and of State, county, and precinct officers on the first Tuesday after the first Monday in November of the first even numbered year after the year in which Arizona is admitted to statehood, and biennially thereafter.

SEC. 12. There shall be enacted registration and other laws to secure the purity of elections and guard against abuses of the elective franchise.

SEC. 13. Questions upon bond issues or special assessments shall be submitted to the vote of property taxpayers, who shall also, in all respects, be qualified electors of the State and of the political subdivision thereof affected by such question.

SEC. 14. No fee shall ever be required in order to have the name of any candidate placed on the official ballot for any election or primary.

SEC. 15. Every male person elected or appointed to any office of trust or profit under the authority of the State or of any political division of the State, or any male deputy of such officer, shall be a qualified elector of the political division in which said person shall be elected or appointed.

SEC. 16. The legislature at its first session shall enact a law providing for general publicity, before and after election, of all campaign contributions to and expenditures of campaign committees and candidates for public office.

## ARTICLE VIII.

### REMOVAL FROM OFFICE.

#### *1. Recall of public officers.*

SEC. 1. Every public officer in the State of Arizona holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal twenty-five per centum of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer may by petition, which shall be known as a recall petition, demand his recall.

SEC. 2. Every recall petition must contain a general statement in not more than two hundred words of the grounds of such demand, and

must be filed in the office in which petitions for nominations to the office held by the incumbent are required to be filed. The signatures to such recall petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition and his place of residence, giving his street and number, if any, should he reside in a town or city. One of the signers of each sheet of such petition, or the person circulating such sheet, must make and subscribe an oath on said sheet that the signatures thereon are genuine.

SEC. 3. If said officer shall offer his resignation, it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a recall petition is filed, a special election shall be ordered to be held, not less than twenty nor more than thirty days after such order, to determine whether such officer shall be recalled. On the ballots at said election shall be printed the reasons, as set forth in the petition, for demanding his recall, and, in not more than two hundred words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall have been officially declared.

SEC. 4. Unless he otherwise request, in writing, his name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. The candidate who shall receive the highest number of votes shall be declared elected for the remainder of the term. Unless the incumbent receive the highest number of votes, he shall be deemed to be removed from office, upon qualification of his successor. In the event that his successor shall not qualify within five days after the result of said election shall have been declared, the said office shall be vacant, and may be filled as provided by law.

SEC. 5. No recall petition shall be circulated against any officer until he shall have held his office for a period of six months, except that it may be filed against a member of the legislature at any time after five days from the beginning of the first session after his election. After one recall petition and election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless petitioners signing such petition shall first pay into the public treasury which has paid such election expenses, all expenses of the preceding election.

SEC. 6. The general election laws shall apply to recall elections in so far as applicable. Laws necessary to facilitate the operation of the provisions of this article shall be enacted, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer.

## *2. Impeachment.*

SEC. 1. The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the senate and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence, and shall be presided over by the chief justice of the supreme court. Should the chief justice be on trial, or otherwise dis-

qualified, the senate shall elect a judge of the supreme court to preside.

SEC. 2. No person shall be convicted without a concurrence of two-thirds of the senators elected. The governor and other State and judicial officers, except justices of courts not of record, shall be liable to impeachment for high crimes, misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit in the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to trial and punishment according to law.

## ARTICLE IX.

### PUBLIC DEBT, REVENUE, AND TAXATION.

SEC. 1. The power of taxation shall never be surrendered, suspended, or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only.

SEC. 2. There shall be exempted from taxation all Federal, State, county, and municipal property. Property of educational, charitable, and religious associations or institutions not used or held for profit may be exempted from taxation by law. Public debts, as evidenced by the bonds of Arizona, its counties, municipalities, or other subdivisions, shall also be exempt from taxation. There shall further be exempt from taxation the property of widows, residents of this State, not exceeding the amount of one thousand dollars, where the total assessment of such widow does not exceed two thousand dollars. All property in the State not exempt under the laws of the United States or under this constitution, or exempted by law under the provisions of this section, shall be subject to taxation to be ascertained as provided by law.

SEC. 3. The legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the necessary ordinary expenses of the State for each fiscal year. And for the purpose of paying the State debt, if there be any, the legislature shall provide for levying an annual tax sufficient to pay the annual interest and the principal of such debt within twenty-five years from the final passage of the law creating the debt.

No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the tax, to which object only it shall be applied.

All taxes levied and collected for State purposes shall be paid into the State treasury in money only.

SEC. 4. The fiscal year shall commence on the first day of July in each year. An accurate statement of the receipts and expenditures of the public money shall be published annually, in such manner as shall be provided by law. Whenever the expenses of any fiscal year shall exceed the income, the legislature may provide for levying a tax for the ensuing fiscal year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

SEC. 5. The State may contract debts to supply the casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more laws, or at different periods of time, shall never exceed the sum of three hundred and fifty thousand dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained or to repay the debts so contracted, and to no other purpose.

In addition to the above limited power to contract debts the State may borrow money to repel invasion, suppress insurrection, or defend the State in time of war: but the money thus raised shall be applied exclusively to the object for which the loan shall have been authorized or to the repayment of the debt thereby created. No money shall be paid out of the State treasury except in the manner provided by law.

SEC. 6. Incorporated cities, towns, and villages may be vested by law with power to make local improvements by special assessments, or by special taxation of property benefited. For all corporate purposes all municipal corporations may be vested with authority to assess and collect taxes.

SEC. 7. Neither the State, nor any county, city, town, municipality, or other subdivision of the State shall ever give or loan its credit in the aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation, or become a subscriber to, or a shareholder in, any company or corporation, or become a joint owner with any person, company, or corporation, except as to such ownerships as may accrue to the State by operation or provision of law.

SEC. 8. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding four per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the property taxpayers, who must also in all respects be qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for State and county purposes, previous to incurring such indebtedness; except that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes: provided, that any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light, or sewers are or shall be owned and controlled by the municipality.

SEC. 9. Every law which imposes, continues, or reviews a tax shall distinctly state the tax and the objects for which it shall be applied: and it shall not be sufficient to refer to any other law to fix such tax or object.

SEC. 10. No tax shall be laid or appropriation of public money made in aid of any church, or private or sectarian school, or any public-service corporation.

SEC. 11. There shall be a State board of equalization, which, until otherwise provided by law, shall consist of the chairmen of the boards of supervisors in the various counties of the State; and the State auditor, who shall be ex officio chairman thereof; and there shall also be in each county of the State a county board of equalization consisting of the board of supervisors of said county. The duty of the State board of equalization shall be to adjust and equalize the valuation of the real and personal property among the several counties of the State. The duty of the county boards of equalization shall be to adjust and equalize the valuation of real and personal property within their respective counties. Each board shall also perform such other duties as may be prescribed by law.

SEC. 12. The law-making power shall have authority to provide for the levy and collection of license, franchise, gross revenue, excise, income, collateral and direct inheritance, legacy, and succession taxes, also graduated income taxes, graduated collateral and direct inheritance taxes, graduated legacy and succession taxes, stamp, registration, production, or other specific taxes.

## ARTICLE X.

### STATE AND SCHOOL LANDS.

SEC. 1. All lands expressly transferred and confirmed to the State by the provisions of the enabling act approved June 20, 1910, including all lands granted to the State and all lands heretofore granted to the Territory of Arizona, and all lands otherwise acquired by the State, shall be by the State accepted and held in trust to be disposed of in whole or in part, only in manner as in the said enabling act and in this constitution provided, and for the several objects specified in the respective granting and confirmatory provisions. The natural products and money proceeds of any of said lands shall be subject to the same trusts as the lands producing the same.

SEC. 2. Disposition of any of said lands, or of any money or thing of value directly or indirectly derived therefrom, for any object other than that for which such particular lands (or the lands from which such money or thing of value shall have been derived) were granted or confirmed, or in any manner contrary to the provisions of the said enabling act, shall be deemed a breach of trust.

SEC. 3. No mortgage or other incumbrance of the said lands, or any thereof, shall be valid in favor of any person or for any purpose or under any circumstances whatsoever. Said lands shall not be sold or leased, in whole or in part, except to the highest and best bidder at a public auction to be held at the county seat of the county wherein the lands to be affected, or the major portion thereof, shall lie, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time, and place of the transaction to be had with a full description of the lands to be offered, and be published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the State capital, and in that newspaper of like circulation which shall then be regularly published nearest to the location of such lands so offered; nor shall any sale or contract for the sale of any timber or other natural product of such lands be made, save at the place, in the manner,

and after the notice by publication thus provided for sales and leases of the lands themselves: provided, that nothing herein contained shall prevent the leasing of said lands referred to in this article, for a term of five years or less, without said advertisement herein required.

SEC. 4. All lands, leaseholds, timber, and other products of land, before being offered, shall be appraised at their true value, and no sale or other disposal thereof shall be made for a consideration less than the value so ascertained, nor in any case less than the minimum price hereinafter fixed, nor upon credit unless accompanied by ample security, and the legal title shall not be deemed to have passed until the consideration shall have been paid.

SEC. 5. No lands shall be sold for less than three dollars per acre, and no lands which are or shall be susceptible of irrigation under any projects now or hereafter completed or adopted by the United States under legislation for the reclamation of lands, or under any other project for the reclamation of lands, shall be sold at less than twenty-five dollars per acre: provided, that the State, at the request of the Secretary of the Interior, shall from time to time relinquish such of its lands to the United States as at any time are needed for irrigation works in connection with any such Government project, and other lands in lieu thereof shall be selected from lands of the character named and in the manner prescribed in section twenty-four of the said enabling act.

SEC. 6. No lands reserved and excepted of the lands granted to this State by the United States, actually or prospectively valuable for the development of water powers or power for hydroelectric use or transmission, which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State, shall be subject to any disposition whatsoever by the State or by any officer of the State, and any conveyance or transfer of such lands made within said five years shall be null and void.

SEC. 7. A separate fund shall be established for each of the several objects for which the said grants are made and confirmed by the said enabling act to the State, and whenever any moneys shall be in any manner derived from any of said lands, the same shall be deposited by the state treasurer in the fund corresponding to the grant under which the particular land producing such moneys was, by said enabling act, conveyed or confirmed. No moneys shall ever be taken from one fund for deposit in any other, or for any object other than that for which the land producing the same was granted or confirmed. The State treasurer shall keep all such moneys invested in safe, interest-bearing securities, which securities shall be approved by the governor and secretary of state, and shall at all times be under a good and sufficient bond or bonds conditioned for the faithful performance of his duties in regard thereto.

SEC. 8. Every sale, lease, conveyance, or contract of or concerning any of the lands granted or confirmed, or the use thereof or the natural products thereof, made to this State by the said enabling act, not made in substantial conformity with the provisions thereof, shall be null and void.

SEC. 9. All lands expressly transferred and confirmed to the State by the provisions of the enabling act approved June 20, 1910, includ-

ing all lands granted to the State and all lands heretofore granted to the Territory of Arizona and all lands otherwise acquired by the State, may be sold or leased by the State in the manner and on the conditions and with the limitations prescribed by the said enabling act and this constitution and as may be further prescribed by law; provided, that the legislature shall provide for the separate appraisal of the lands and of the improvements on school and university lands which have been held under lease prior to the adoption of this constitution and for reimbursement to the actual bona fide residents or lessees of such lands upon which such improvements are situated as prescribed by Title 65, Civil Code of Arizona, 1901, and in such cases only as permit reimbursements to lessees in said Title 65.

SEC. 10. The legislature shall provide by proper laws for the sale of all State lands or the lease of such lands for terms not longer than five years, and shall further provide by said laws for the protection of the actual bona fide residents and lessees of said lands whereby such residents and lessees shall be protected in their rights to their improvements, including water rights, in such manner that in case of lease to other parties the former lessee shall be paid by the succeeding lessee the value of said improvements and rights, and actual bona fide residents and lessees shall have preference to renewal of their leases at a reassessed rental fixed as provided by law.

SEC. 11. No individual, corporation, or association shall ever be allowed to purchase or lease more than one hundred and sixty acres of agricultural land, or more than six hundred and forty acres of grazing land.

## ARTICLE XI.

### EDUCATION.

SEC. 1. The legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public-school system, which system shall include kindergarten schools, common schools, high schools, normal schools, industrial schools, and a university (which shall include an agricultural college, a school of mines, and such other technical schools as may be essential, until such time as it may be deemed advisable to establish separate State institutions of such character). The legislature shall also enact such laws as shall provide for the education and care of the deaf, dumb, and blind.

SEC. 2. The general conduct and supervision of the public school system shall be vested in a State board of education, a State superintendent of public instruction, county school superintendents, and such governing boards for the State institutions as may be provided by law.

SEC. 3. The State board of education shall be composed of the following members: The governor, the superintendent of public instruction, the president of the university, and principals of the State normal schools as ex officio members, and a city superintendent of schools, a principal of a high school, and a county superintendent of schools, to be appointed by the governor. The powers and duties of the board shall be such as may be prescribed by law. The mem-

bers of the board shall serve without pay, but all their necessary expenses incurred in attending the meetings of the board and for printing shall be provided for by law.

SEC. 4. The State superintendent of public instruction shall be a member and secretary of the State board of education, and ex officio a member of any other board having control of public instruction in any State institution. His powers and duties shall be prescribed by law.

SEC. 5. The regents of the university and the governing boards of other State educational institutions shall be appointed by the governor, except that the governor shall be ex officio a member of the board of regents of the university.

SEC. 6. The university and all other State educational institutions shall be open to students of both sexes, and the instruction furnished shall be as nearly free as possible.

The legislature shall provide for a system of common schools by which a free school shall be established and maintained in every school district for at least six months in each year, which school shall be open to all pupils between the ages of six and twenty-one years.

SEC. 7. No sectarian instruction shall be imparted in any school or State educational institution that may be established under this constitution, and no religious or political test or qualification shall ever be required as a condition of admission into any public educational institution of the State as teacher, student, or pupil; but the liberty of conscience hereby secured shall not be so construed as to justify practices or conduct inconsistent with the good order, peace, morality, or safety of the State, or with the rights of others.

SEC. 8. A permanent State school fund for the use of the common schools shall be derived from the sale of public-school lands or other public lands specified in the enabling act approved June 20, 1910; from all estates or distributive shares of estates that may escheat to the State; from all unclaimed shares and dividends of any corporation incorporated under the laws of Arizona; and from all gifts, devises, or bequests made to the State for general educational purposes.

The income derived from the investment of the permanent State school fund and from the rental derived from school lands, with such other funds as may be provided by law, shall be apportioned annually to the various counties of the State in proportion to the number of pupils of school age residing therein.

SEC. 9. The amount of this apportionment shall become a part of the county school fund, and the legislature shall enact such laws as will provide for increasing the county fund sufficiently to maintain all the public schools of the county for a minimum term of six months in every school year. The laws of the State shall enable cities and towns to maintain free high schools, industrial schools, and commercial schools.

SEC. 10. The revenue for the maintenance of the respective State educational institutions shall be derived from the investment of the proceeds of the sale and from the rental of such lands as have been set aside by the enabling act approved June 20, 1910, or other legislative enactment of the United States for the use and benefit of the respective State educational institutions. In addition to such income the legislature shall make such appropriations, to be met by taxation,

as shall insure the proper maintenance of all State educational institutions and shall make such special appropriations as shall provide for their development and improvement.

## ARTICLE XII.

### COUNTIES.

SEC. 1. Each county of the State, now or hereafter organized, shall be a body politic and corporate.

SEC. 2. The several counties of the Territory of Arizona as fixed by statute at the time of the adoption of this constitution are hereby declared to be the counties of the State until changed by law.

SEC. 3. Subject to change by law, there are hereby created in and for each organized county of the State the following officers, who shall be elected by the qualified electors thereof: Sheriff, recorder, treasurer, school superintendent, county attorney, assessor, county superintendent of roads, and surveyor, each of whom shall be elected for a term of two years, except that such officers elected at the first election for State and county officers shall serve until the first Monday in January, 1913; and three supervisors, whose term of office shall be provided by law, except that at the first election for county officers the candidate for supervisor receiving the highest number of votes shall hold office until the first Monday in January, 1915, and the two candidates for supervisor, respectively, receiving the next highest number of votes shall hold office until the first Monday in January, 1913.

SEC. 4. The duties, powers, and qualifications of such officers shall be as prescribed by law. The board of supervisors of each county is hereby empowered to fix salaries for all county and precinct officers within such county for whom no compensation is provided by law, and the salaries so fixed shall remain in full force and effect until changed by general law.

## ARTICLE XIII.

### MUNICIPAL CORPORATIONS.

SEC. 1. Municipal corporations shall not be created by special laws, but the legislature, by general laws, shall provide for the incorporation and organization of cities and towns and for the classification of such cities and towns in proportion to population, subject to the provisions of this article.

SEC. 2. Any city containing, now or hereafter, a population of more than three thousand five hundred may frame a charter for its own government consistent with and subject to the constitution and the laws of the State in the following manner: A board of freeholders composed of fourteen qualified electors of said city may be elected at large by the qualified electors thereof at a general or special election, whose duty it shall be within ninety days after such election to prepare and propose a charter for such city. Such proposed charter shall be signed in duplicate by the members of such board, or a majority of them, and filed, one copy of said proposed charter with

the chief executive officer of such city and the other with the county recorder of the county in which said city shall be situated. Such proposed charter shall then be published in one or more newspapers published and of general circulation within said city for at least twenty-one days if in a daily paper, or in three consecutive issues if in a weekly paper, and the first publication shall be made within twenty days after the completion of the proposed charter. Within thirty days, and not earlier than twenty days, after such publication said proposed charter shall be submitted to the vote of the qualified electors of said city at a general or special election. If a majority of such qualified electors voting thereon shall ratify such proposed charter, it shall thereupon be submitted to the governor for his approval, and the governor shall approve it if it shall not be in conflict with this constitution or with the laws of the State. Upon approval said charter shall become the organic law of such city and supersede any charter then existing (and all amendments thereto), and all ordinances inconsistent with said new charter. A copy of such charter, certified by the chief executive officer, and authenticated by the seal of such city, together with a statement similarly certified and authenticated setting forth the submission of such charter to the electors and its ratification by them, shall, after the approval of such charter by the governor, be made in duplicate and filed, one copy in the office of the Secretary of State and the other in the archives of the city after being recorded in the office of said county recorder. Thereafter all courts shall take judicial notice of said charter.

The charter so ratified may be amended by amendments proposed and submitted by the legislative authority of the city to the qualified electors thereof (or by petition as hereinafter provided), at a general or special election, and ratified by a majority of the qualified electors voting thereon, and approved by the governor, as herein provided for the approval of the charter.

SEC. 3. An election of such board of freeholders may be called at any time by the legislative authority of any such city. Such election shall be called by the chief executive officer of any such city within ten days after there shall have been filed with him a petition demanding such election, signed by a number of qualified electors residing within such city equal to twenty-five per centum of the total number of votes cast at the next preceding general municipal election. Such election shall be held not later than thirty days after the call therefor. At such election a vote shall be taken upon the question whether further proceedings toward adopting a charter shall be had in pursuance to the call, and unless a majority of the qualified electors voting thereon shall vote to proceed further, no further proceedings shall be had, and all proceedings up to the time of said election shall be of no effect.

SEC. 4. No municipal corporation shall ever grant, extend, or renew a franchise without the approval of a majority of the qualified electors residing within its corporate limits who shall vote thereon at a general or special election, and the legislative body of any such corporation shall submit any such matter for approval or disapproval to such electors at any general municipal election, or call a special election for such purpose at any time upon thirty days' notice. No

franchise shall be granted, extended, or renewed for a longer time than twenty-five years.

SEC. 5. Every municipal corporation within this State shall have the right to engage in any business or enterprise which may be engaged in by a person, firm, or corporation by virtue of a franchise from said municipal corporation.

SEC. 6. No grant, extension, or renewal of any franchise or other use of the streets, alleys, or other public grounds, or ways, of any municipality shall divest the State or any of its subdivisions of its or their control and regulation of such use and enjoyment; nor shall the power to regulate charges for public services be surrendered; and no exclusive franchise shall ever be granted.

#### ARTICLE XIV.

##### CORPORATIONS OTHER THAN MUNICIPAL.

SEC. 1. The term "corporation," as used in this article, shall be construed to include all associations and joint-stock companies having any powers or privileges of corporations not possessed by individuals or copartnerships, and all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

SEC. 2. Corporations may be formed under general laws, but shall not be created by special acts. Laws relating to corporations may be altered, amended, or repealed at any time, and all corporations doing business in this State may, as to such business, be regulated, limited, and restrained by law.

SEC. 3. All existing charters under which a bona fide organization shall not have taken place and business commenced in good faith within six months from the time of the approval of this constitution shall thereafter have no validity.

SEC. 4. No corporation shall engage in any business other than that expressly authorized in its charter or by the law under which it may have been or may hereafter be organized.

SEC. 5. No corporation organized outside of the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law for similar corporations organized under the laws of this State; and no foreign corporation shall be permitted to transact business within this State unless said foreign corporation is by the laws of the country, State, or Territory under which it is formed permitted to transact a like business in such country, State, or Territory.

SEC. 6. No corporation shall issue stock, except to bona fide subscriber therefor or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or for labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock of any corporation without the consent of the person or persons holding the larger amount in value of the stock of such corporation, nor without due notice of the proposed increase having been given as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

SEC. 7. No corporation shall lease or alienate any franchise so as to relieve the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or of any of its privileges.

SEC. 8. No domestic or foreign corporation shall do any business in this State without having filed its articles of incorporation or a certified copy thereof with the corporation commission, and without having one or more known places of business and an authorized agent or agents, in the State upon whom process may be served. Suit may be maintained against a foreign corporation in the county where an agent of such corporation may be found, or in the county where the cause of action may arise.

SEC. 9. The right of exercising eminent domain shall never be so abridged or construed as to prevent the State from taking the property and the franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

SEC. 10. In all elections for directors or managers of any corporation each shareholder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote in said company under its charter multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more such candidates; and such directors or managers shall not be elected otherwise.

SEC. 11. The shareholders or stockholders of every banking or insurance corporation or association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation or association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares or stock.

SEC. 12. Any president, director, manager, cashier, or other officer of any banking institution who shall receive, or assent to, the reception of any deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits.

SEC. 13. No persons acting as a corporation under the laws of Arizona shall be permitted to set up, or rely upon, the want of a legal organization as a defense to any action which may be brought against them as a corporation, nor shall any person or persons who may be sued on a contract now or hereafter made with such corporation, or sued for any injury now or hereafter done to its property, or for a wrong done to its interests, be permitted to rely upon such want of legal organization in his or their defense.

SEC. 14. This article shall not be construed to deny the right of the legislative power to impose other conditions upon corporations than those herein contained.

SEC. 15. Monopolies and trusts shall never be allowed in this State, and no incorporated company, copartnership, or association of persons in this State shall, directly or indirectly, combine or make any contract with any incorporated company, foreign or domestic, through their stockholders or the trustees or assigns of such stockholders or with any copartnership or association of persons, or in

any manner whatever to fix the prices, limit the production, or regulate the transportation of any product or commodity. The legislature shall enact laws for the enforcement of this section by adequate penalties, and in the case of incorporated companies, if necessary for that purpose, may, as a penalty, declare a forfeiture of their franchises.

SEC. 16. The records, books, and files of all public-service corporations, State banks, building and loan associations, trust, insurance, and guaranty companies shall be at all times liable and subject to the full visitatorial and inquisitorial powers of the State, notwithstanding the immunities and privileges secured in the declaration of rights of this constitution to persons, inhabitants, and citizens of this State.

SEC. 17. Provision shall be made by law for the payment of a fee to the State by every domestic corporation upon the grant, amendment, or extension of its charter, and by every foreign corporation upon its obtaining a license to do business in this State; and also for the payment by every domestic corporation and foreign corporation doing business in this State of an annual registration fee of not less than ten dollars, which fee shall be paid irrespective of any specific license or other tax imposed by law upon such company for the privilege of carrying on its business in this State or upon its franchise or property; and for the making by every such corporation at the time of paying such fee of such report to the corporation commission of the status, business, or condition of such corporation as may be prescribed by law. No foreign corporation shall have authority to do business in this State until it shall have obtained from the corporation commission a license to do business in the State upon such terms as may be prescribed by law. The legislature may relieve any purely charitable, social, fraternal, benevolent, or religious institution from the payment of such annual registration fee.

SEC. 18. It shall be unlawful for any corporation organized or doing business in this State to make any contribution of money or anything of value for the purpose of influencing any election or official action.

SEC. 19. Suitable penalties shall be prescribed by law for the violation of any of the provisions of this article.

## ARTICLE XV.

### THE CORPORATION COMMISSION.

SEC. 1. A corporation commission is hereby created to be composed of three persons, who shall be elected at the general election to be held under the provisions of the enabling act approved June 20, 1910, and whose term of office shall be coterminous with that of the governor of the State elected at the same time, and who shall maintain their chief office and reside at the State capital. At the first general State election held under this constitution at which a governor is voted for three commissioners shall be elected who shall, from and after the first Monday in January next succeeding said election, hold office as follows:

The one receiving the highest number of votes shall serve six years, and the one receiving the second highest number of votes shall serve

four years, and the one receiving the third highest number of votes shall serve two years. And one commissioner shall be elected every two years thereafter. In case of vacancy in said office the governor shall appoint a commissioner to fill such vacancy. Such appointed commissioner shall fill such vacancy until a commissioner shall be elected at a general election as provided by law and shall qualify. The qualifications of commissioners may be prescribed by law.

SEC. 2. All corporations other than municipal engaged in carrying persons or property for hire; or in furnishing gas, oil, or electricity for light, fuel, or power; or in furnishing water for irrigation, fire protection, or other public purposes; or in furnishing, for profit, hot or cold air or steam for heating or cooling purposes; or in transmitting messages or furnishing public telegraph or telephone service, and all corporations other than municipal, operating as common carriers, shall be deemed public-service corporations.

SEC. 3. The corporation commission shall have full power to, and shall, prescribe just and reasonable classifications to be used, and just and reasonable rates and charges to be made and collected, by public-service corporations within the State for service rendered therein, and make reasonable rules, regulations, and orders by which such corporations shall be governed in the transaction of business within the State, and may prescribe the forms of contracts and the systems of keeping accounts to be used by such corporations in transacting such business, and make and enforce reasonable rules, regulations, and orders for the convenience, comfort, and safety, and the preservation of the health, of the employees and patrons of such corporations; provided, that incorporated cities and towns may be authorized by law to exercise supervision over public-service corporations doing business therein, including the regulation of rates and charges to be made and collected by such corporations; provided further, that classifications, rates, charges, rules, regulations, orders, and forms or systems prescribed or made by said corporation commission may, from time to time, be amended or repealed by such commission.

SEC. 4. The corporation commission, and the several members thereof, shall have power to inspect and investigate the property, books, papers, business, methods, and affairs of any corporation whose stock shall be offered for sale to the public, and of any public-service corporation doing business within the State, and for the purpose of the commission, and of the several members thereof, shall have the power of a court of general jurisdiction to enforce the attendance of witnesses and the production of evidence by subpoena, attachment, and punishment, which said power shall extend throughout the State. Said commission shall have power to take testimony under commission or deposition either within or without the State.

SEC. 5. The corporation commission shall have the sole power to issue certificates of incorporation to companies organizing under the laws of this State, and to issue licenses to foreign corporations to do business in this State, as may be prescribed by law.

SEC. 6. The law making power may enlarge the powers and extend the duties of the corporation commission, and may prescribe rules and regulations to govern proceedings instituted by and before it; but, until such rules and regulations are provided by law, the commission may make rules and regulations to govern such proceedings.

SEC. 7. Every public-service corporation organized or authorized under the laws of the State to do any transportation or transmission business within the State shall have the right to construct and operate lines connecting any points within the State and to connect at the State boundaries with like lines; and every such corporation shall have the right with any of its lines to cross, intersect, or connect with any lines of any other public-service corporation.

SEC. 8. Every public-service corporation doing a transportation business within the State shall receive and transport, without delay or discrimination, cars loaded or empty, property, or passengers delivered to it by any other public-service corporation doing a similar business, and deliver cars, loaded or empty, without delay or discrimination, to other transportation corporations under such regulations as shall be prescribed by the corporation commission or by law.

SEC. 9. Every public-service corporation engaged in the business of transmitting messages for profit shall receive and transmit, without delay or discrimination, any messages delivered to it by any other public-service corporation engaged in the business of transmitting messages for profit, and shall, with its lines, make physical connection with the lines of any public-service corporation engaged in the business of transmitting messages for profit under such rules and regulations as shall be prescribed by the corporation commission or by law: Provided, That such public-service corporations shall deliver messages to other such corporations, without delay or discrimination, under such rules and regulations as shall be prescribed by the corporation commission or by law.

SEC. 10. Railways heretofore constructed or that may hereafter be constructed in this State are hereby declared public highways, and all railroad, car, express, electric, transmission, telegraph, telephone or pipe-line corporations for the transportation of persons, or of electricity, messages, water, oil, or other property for profit are declared to be common carriers and subject to control by law.

SEC. 11. The rolling stock and all other movable property belonging to any public-service corporation in this State shall be considered personal property, and its real and personal property and every part thereof shall be liable to attachment, execution, and sale in the same manner as the property of individuals; and the law-making power shall enact no laws exempting any such property from attachment, execution, or sale.

SEC. 12. All charges made for service rendered, or to be rendered, by public-service corporations within this State shall be just and reasonable, and no discrimination in charges, service, or facilities shall be made between persons or places for rendering a like and contemporaneous service, except that the granting of free or reduced-rate transportation may be authorized by law, or by the corporation commission, to the classes of persons described in the act of Congress approved February 11, 1887, entitled "An act to regulate commerce," and the amendments thereto, as those to whom free or reduced-rate transportation may be granted.

SEC. 13. All public-service corporations and corporations whose stock shall be offered for sale to the public shall make such reports to the corporation commission, under oath, and provide such informa-

tion concerning their acts and operations as may be required by law or by the corporation commission.

SEC. 14. The corporation commission shall, to aid it in the proper discharge of its duties, ascertain the fair value of the property within the State of every public-service corporation doing business therein; and every public-service corporation doing business within the State shall furnish to the commission all evidence in its possession, and all assistance in its power, requested by the commission in aid of the determination of the value of the property within the State of such public-service corporation.

SEC. 15. No public-service corporation in existence at the time of the admission of this State into the Union shall have the benefit of any future legislation except on condition of complete acceptance of all provisions of this constitution applicable to public-service corporations.

SEC. 16. If any public-service corporation shall violate any of the rules, regulations, orders, or decisions of the corporation commission, such corporation shall forfeit and pay to the State not less than one hundred dollars nor more than five thousand dollars for each such violation, to be recovered before any court of competent jurisdiction.

SEC. 17. Nothing herein shall be construed as denying to public-service corporations the right of appeal to the courts of the State from the rules, regulations, orders, or decrees fixed by the corporation commission, but the rules, regulations, orders, or decrees so fixed shall remain in force pending the decision of the courts.

SEC. 18. Until otherwise provided by law, each commissioner shall receive a salary of three thousand dollars a year, together with his actual necessary expenses when away from home in the discharge of the duties of his office.

SEC. 19. The corporation commission shall have the power and authority to enforce its rules, regulations, and orders by the imposition of such fines as it may deem just within the limitations prescribed in section 16 of this article.

## ARTICLE XVI.

### MILITIA.

SEC. 1. The militia of the State of Arizona shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years, and of those between said ages who shall have declared their intention to become citizens of the United States, residing therein, subject to such exemptions as now exist, or as may hereafter be created, by the laws of the United States or of this State.

SEC. 2. The organized militia shall be designated "The National Guard of Arizona," and shall consist of such organized military bodies as now exist under the laws of the Territory of Arizona or as may hereafter be authorized by law.

SEC. 3. The organization, equipment, and discipline of the national guard shall conform as nearly as shall be practicable to the regulations for the government of the armies of the United States.

## ARTICLE XVII.

## WATER RIGHTS.

SEC. 1. The common law doctrine of riparian water rights shall not obtain or be of any force or effect in the State.

SEC. 2. All existing rights to the use of any of the waters in the State for all useful or beneficial purposes are hereby recognized and confirmed.

## ARTICLE XVIII.

## LABOR.

SEC. 1. Eight hours, and no more, shall constitute a lawful day's work in all employment by or on behalf of the State or any political subdivision of the State. The legislature shall enact such laws as may be necessary to put this provision into effect and shall prescribe proper penalties for any violations of said laws.

SEC. 2. No child under the age of fourteen years shall be employed in any gainful occupation at any time during the hours in which the public schools of the district in which the child resides are in session; nor shall any child under sixteen years of age be employed underground in mines, or in any occupation injurious to health or morals or hazardous to life or limb, nor in any occupation at night or for more than eight hours in any day.

SEC. 3. It shall be unlawful for any person, company, association, or corporation to require of its servants or employees as a condition of their employment, or otherwise, any contract or agreement whereby such person, company, association, or corporation shall be released or discharged from liability or responsibility on account of personal injuries which may be received by such servants or employees while in the service or employment of such person, company, association, or corporation by reason of the negligence of such person, company, association, corporation, or the agents or employees thereof; and any such contract or agreement, if made, shall be null and void.

SEC. 4. The common-law doctrine of fellow servant, so far as it affects the liability of a master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master, is forever abrogated.

SEC. 5. The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact and shall, at all times, be left to the jury.

SEC. 6. The right of action to recover damages for injuries shall never be abrogated, and the amount recovered shall not be subject to any statutory limitation.

SEC. 7. To protect the safety of employees in all hazardous occupations, in mining, smelting, manufacturing, railroad or street railway transportation, or any other industry the legislature shall enact an employer's liability law, by the terms of which any employer, whether individual, association, or corporation, shall be liable for the death or injury, caused by any accident due to a condition or condi-

tions of such occupation, of any employee in the service of such employer in such hazardous occupation, in all cases in which such death or injury of such employee shall not have been caused by the negligence of the employee killed or injured.

SEC. 8. The legislature shall enact a workmen's compulsory compensation law applicable to workmen engaged in manual or mechanical labor in such employments as the legislature may determine to be especially dangerous, by which compulsory compensation shall be required to be paid to any such workman by his employer, if in the course of such employment personal injury to any such workman from any accident arising out of, and in the course of, such employment is caused in whole, or in part, or is contributed to, by a necessary risk or danger of such employment, or a necessary risk or danger inherent in the nature thereof, or by failure of such employer, or any of his or its officers, agents, or employee, or employees, to exercise due care, or to comply with any law affecting such employment; provided, that it shall be optional with said employee to settle for such compensation, or retain the right to sue said employer as provided by this constitution.

SEC. 9. The exchange, solicitation, or giving out of any labor "black list" is hereby prohibited, and suitable laws shall be enacted to put this provision into effect.

SEC. 10. No person not a citizen or ward of the United States, or who has not declared his intention to become a citizen, shall be employed upon or in connection with any State, county, or municipal works or employment: Provided, That nothing herein shall be construed to prevent the working of prisoners by the State, or by any municipality thereof, on street or road work or other public work. The legislature shall enact laws for the enforcement and shall provide for the punishment of any violation of this section.

## ARTICLE XIX.

### MINES.

The office of mine inspector is hereby established. The legislature, at its first session, shall enact laws so regulating the operation and equipment of all mines in the State as to provide for the health and safety of workers therein and in connection therewith and fixing the duties of said office. Upon approval of such laws by the governor, the governor, with the advice and consent of the senate, shall forthwith appoint a mine inspector, who shall serve until his successor shall have been elected, at the first general election thereafter, and shall qualify. Said successor and all subsequent incumbents of said office shall be elected at general elections and shall serve for two years.

## ARTICLE XX.

### ORDINANCE.

The following ordinance shall be irrevocable without the consent of the United States and the people of this State:

First. Perfect toleration of religious sentiment shall be secured to every inhabitant of this State, and no inhabitant of this State shall

ever be molested in person or property on account of his or her mode of religious worship or lack of the same.

Second. Polygamous or plural marriages or polygamous cohabitation are forever prohibited within this State.

Third. The sale, barter, or giving of intoxicating liquors to Indians and the introduction of liquors into Indian country are forever prohibited within this State.

Fourth. The people inhabiting this State do agree and declare they they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said boundaries owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that, until the title of such Indian or Indian tribes shall have been extinguished, the same shall be, and remain, subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States.

Fifth. The lands and other property belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands and other property situated in this State belonging to residents thereof, and no taxes shall be imposed by this State upon lands or property situated in the State belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein shall preclude the State from taxing as other lands and other property are taxed, any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid, or as may be granted or confirmed to any Indian or Indians under any act of Congress, but all such lands shall be exempt from taxation so long and to such extent as Congress has prescribed or may hereafter prescribe.

Sixth. The debts and liabilities of the Territory of Arizona, and the debts of the counties thereof, valid and subsisting at the time of the passage of the enabling act approved June 20, 1910, are hereby assumed and shall be paid by the State of Arizona, and the State of Arizona shall, as to all such debts and liabilities, be subrogated to all the rights, including rights of indemnity and reimbursement, existing in favor of said Territory or of any of the several counties thereof, at the time of the passage of the said enabling act; provided, that nothing in this ordinance shall be construed as validating or in any manner legalizing any Territorial, county, municipal, or other bonds, obligations, or evidences of indebtedness of said Territory or the counties or municipalities thereof which now are or may be invalid or illegal at the time the said State of Arizona is admitted as a State, and the legislature or the people of the State of Arizona shall never pass any law in any manner validating or legalizing the same.

Seventh. Provisions shall be made by law for the establishment and maintenance of a system of public schools which shall be open to all the children of the State and be free from sectarian control, and said schools shall always be conducted in English.

The State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude.

Eighth. The ability to read, write, speak, and understand the English language sufficiently well to conduct the duties of the office without the aid of an interpreter shall be a necessary qualification for all State officers and members of the State legislature.

Ninth. The capital of the State of Arizona, until changed by the electors voting at an election provided for by the legislature for that purpose, shall be at the city of Phoenix, but no such election shall be called or provided for prior to the thirty-first day of December, nineteen hundred and twenty-five.

Tenth. There are hereby reserved to the United States, with full acquiescence of this State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and acts amendatory thereof or supplementary thereto, to the same extent as if this State had remained a Territory.

Eleventh. Whenever hereafter any of the lands contained within Indian reservations or allotments in this State shall be allotted, sold, reserved, or otherwise disposed of, they shall be subject, for a period of twenty-five years after such allotment, sale, reservation, or other disposal, to all the laws of the United States prohibiting the introduction of liquor into the Indian country.

Twelfth. The State of Arizona and its people hereby consent to all and singular the provisions of the enabling act approved June 20, 1910, concerning the lands thereby granted or confirmed to the State, the terms and conditions upon which said grants and confirmations are made, and the means and manner of enforcing such terms and conditions, all in every respect and particular as in the aforesaid enabling act provided.

Thirteenth. This ordinance is hereby made a part of the constitution of the State of Arizona, and no future constitutional amendment shall be made which in any manner changes or abrogates this ordinance in whole or in part without the consent of Congress.

## ARTICLE XXI.

### MODE OF AMENDING.

SEC. 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature, or by initiative petition signed by a number of qualified electors equal to fifteen per centum of the total number of votes for all candidates for governor at the last preceding general election.

Any proposed amendment or amendments which shall be introduced in either house of the legislature, and which shall be approved by a majority of the members elected to each of the two houses, shall be entered on the journal of each house, together with the ayes and nays thereon. When any proposed amendment or amendments shall be thus passed by a majority of each house of the legislature and entered on the respective journals thereof, or when any elector or electors shall file with the secretary of state any proposed amendment or amendments, together with a petition therefor signed by a number of electors equal to fifteen per centum of the total number of votes

for all candidates for governor in the last preceding general election, the secretary of state shall submit such proposed amendment or amendments to the vote of the people at the next general election (except when the legislature shall call a special election for the purpose of having said proposed amendment or amendments voted upon, in which case the secretary of state shall submit such proposed amendment or amendments to the qualified electors at said special election), and if a majority of the qualified electors voting thereon shall approve and ratify such proposed amendment or amendments in said regular or special election such amendment or amendments shall become a part of this constitution. Until a method of publicity is otherwise provided by law the secretary of state shall have such proposed amendment or amendments published for a period of at least ninety days previous to the date of said election in at least one newspaper in every county of the State in which a newspaper shall be published, in such manner as may be prescribed by law. If more than one proposed amendment shall be submitted at any election such proposed amendments shall be submitted in such manner that the electors may vote for or against such proposed amendments separately.

SEC. 2. No convention shall be called by the legislature to propose alterations, revisions, or amendments to this constitution, or to propose a new constitution, unless laws providing for such convention shall first be approved by the people on a referendum vote at a regular or special election, and any amendments, alterations, revisions, or new constitution proposed by such convention shall be submitted to the electors of the State at a general or special election and be approved by the majority of the electors voting thereon before the same shall become effective.

## ARTICLE XXII.

### SCHEDULE AND MISCELLANEOUS.

SEC. 1. No rights, actions, suits, proceedings, contracts, claims, or demands, existing at the time of the admission of this State into the Union, shall be affected by a change in the form of government, from Territorial to State, but all shall continue as if no change had taken place; and all process which may have been issued under the authority of the Territory of Arizona, previous to its admission into the Union, shall be as valid as if issued in the name of the State.

SEC. 2. All laws of the Territory of Arizona now in force, not repugnant to this constitution, shall remain in force as laws of the State of Arizona until they expire by their own limitations or are altered or repealed by law: Provided, That wherever the word Territory, meaning the Territory of Arizona, appears in said laws, the word State shall be substituted.

SEC. 3. All debts, fines, penalties, and forfeitures which have accrued, or may hereafter accrue, to the Territory of Arizona shall inure to the State of Arizona.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a Territorial to a State government, shall remain valid and shall pass to and may be prosecuted in the name of the State, and all bonds executed to the Territory of Arizona, or to

any county or municipal corporation, or to any officer or court, in his or its official capacity, shall pass to the State authorities and their successors in office for the uses therein expressed and may be sued for and recovered accordingly; and all the estate, real, personal, and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims, demands, or debts of whatever description belonging to the Territory of Arizona, shall inure to and vest in the State of Arizona and may be sued for and recovered by the State of Arizona in the same manner and to the same extent as the same might or could have been by the Territory of Arizona.

SEC. 5. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a Territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the Territory of Arizona before the change from a Territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name, and by the authority, of the State of Arizona, with like effect as though such change had not taken place, and all penalties incurred and punishments inflicted shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity, which may be pending in any of the courts of the Territory of Arizona at the time of the change from a Territorial to a State government, shall be continued and transferred to the court of the State, or of the United States, having jurisdiction thereof.

SEC. 6. All Territorial, district, county, and precinct officers who may be in office at the time of the admission of the State into the Union shall hold their respective offices until their successors shall have qualified, and the official bonds of all such officers shall continue in full force and effect while such officers remain in office.

SEC. 7. Whenever the judge of the superior court of any county, elected or appointed under the provisions of this constitution, shall have qualified, the several causes then pending in the district court of the Territory, and in and for such county, except such causes as would have been within the exclusive jurisdiction of the United States courts, had such courts existed at the time of the commencement of such causes within such county, and the records, papers, and proceedings of said district court, and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court of such county.

It shall be the duty of the clerk of the district court having custody of such papers, records, and property, to transmit to the clerk of said superior court the original papers in all cases pending in such district and belonging to the jurisdiction of said superior court, together with a transcript or transcripts of so much of the record of said district court as shall relate to the same; and until the district courts of the Territory shall be superseded in manner aforesaid, and as in this constitution provided, the said district courts, and the judges thereof, shall continue with the same jurisdiction and powers, to be exercised in the same judicial district, respectively, as heretofore and now constituted.

SEC. 8. When the State is admitted into the Union and the superior courts, in their respective counties, are organized, the books, records,

papers, and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall pass into the jurisdiction and possession of the superior court of the same county created by this constitution, and the said court shall proceed to final judgment or decree, order, or other determination in the several matters and causes with like effect as the probate court might have done if this constitution had not been adopted.

SEC. 9. Whenever a quorum of the judges of the supreme court of the State shall have been elected and qualified, and shall have taken office, under this constitution, the causes then pending in the supreme court of the Territory, except such causes as would have been within the exclusive jurisdiction of the United States courts, had such courts existed at the time of the commencement of such causes, and the papers, records, and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the State, and until so superseded the supreme court of the Territory, and the judges thereof, shall continue with like powers and jurisdiction as if this constitution had not been adopted or the State admitted into the Union; and all causes pending in the supreme court of the Territory at said time, and which said causes would have been within the exclusive jurisdiction of the United States courts, had such courts existed at the time of the commencement of such causes, and the papers, records, and proceedings of said court relating thereto shall pass into the jurisdiction of the United States courts, all as in the enabling act approved June 20, 1910, provided.

SEC. 10. Until otherwise provided by law the seal now in use in the supreme court of the Territory shall be the seal of the supreme court of the State, except that the word "State" shall be substituted for the word "Territory" on said seal. The seal of the superior courts of the several counties of the State, until otherwise provided by law, shall be the vignette of Abraham Lincoln, with the words "Seal of the superior court of ——— County, State of Arizona," surrounding the vignette. The seal of municipalities and of all county officers in the Territory shall be the seals of such municipalities and county officers, respectively, under the State, until otherwise provided by law, except that the word "Territory" or "Territory of Arizona" be changed to read "State" or "State of Arizona" where the same may appear on any such seals.

SEC. 11. The provisions of this constitution shall be in force from the day on which the President of the United States shall issue his proclamation declaring the State of Arizona admitted into the Union.

SEC. 12. One Representative in the Congress of the United States shall be elected from the State at large, and at the same election at which officers shall be elected under the enabling act, approved June 20, 1910, and thereafter at such times and in such manner as may be prescribed by law.

SEC. 13. The term of office of every officer to be elected or appointed under this constitution or the laws of Arizona shall extend until his successor shall be elected and shall qualify.

SEC. 14. Any law which may be enacted by the legislature under this constitution may be enacted by the people under the initiative. Any law which may not be enacted by the legislature under this constitution shall not be enacted by the people.

SEC. 15. Reformatory and penal institutions and institutions for the benefit of the insane, blind, deaf, and mute, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law.

SEC. 16. It shall be unlawful to confine any minor under the age of eighteen years, accused or convicted of crime, in the same section of any jail or prison in which adult prisoners are confined. Suitable quarters shall be prepared for the confinement of such minors.

SEC. 17. All State and county officers (except notaries public) and all justices of the peace and constables, whose precinct includes a city or town, or part thereof, shall be paid fixed and definite salaries, and they shall receive no fees for their own use.

SEC. 18. A State examiner, who shall be a skilled accountant, shall be appointed by the governor, by and with the advice and consent of the senate, for a term of two years. The State examiner shall examine the books and accounts of such public officers and perform such other duties and have such other powers as may be prescribed by law.

SEC. 19. The legislature shall enact laws and adopt rules prohibiting the practice of lobbying on the floor of either house of the legislature and further regulating the practice of lobbying.

SEC. 20. The seal of the State shall be of the following design: In the background shall be a range of mountains, with the sun rising behind the peaks thereof, and at the right side of the range of mountains there shall be a storage reservoir and a dam, below which, in the middle distance, are irrigated fields and orchards reaching into the foreground, at the right of which are cattle grazing. To the left in the middle distance, on a mountain side, is a quartz mill, in front of which and in the foreground is a miner standing with pick and shovel. Above this device shall be the motto: "Ditat Deus." In a circular band surrounding the whole device shall be inscribed "Great seal of the State of Arizona," with the year of admission of the State into the Union.

SEC. 21. The legislature shall enact all necessary laws to carry into effect the provisions of this constitution.

Done in open convention at the city of Phoenix, Territory of Arizona, this 9th day of December, A. D. 1910.

(Signed) GEO. W. P. HUNT,  
*President of the Constitutional Convention.*

(Signed) A. W. COLE,  
*Secretary of the Constitutional Convention.*





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